

### **311A.065 Psychological or physical evaluation.**

- (1) If the office of the board has reasonable cause to believe that any licensee or certificate holder or any applicant for licensure or certification by examination, reinstatement, or change of status is unable to practice with reasonable skill or safety or has abused alcohol or drugs, it may require the person to submit to a mental health, neuropsychological, psychosocial, psychosexual, substance use disorder, or physical evaluation by a licensed or certified practitioner designated by the board. Upon the failure of the person to submit to a mental health, neuropsychological, psychosocial, psychosexual, substance use disorder, or physical evaluation, unless due to circumstances beyond the person's control, the office of the board may initiate an action for immediate temporary suspension pursuant to this chapter or deny the application until the person submits to the required evaluation. The office of the board may issue an immediate and temporary suspension from the time of the evaluation until the hearing.
- (2) Every licensee or certificate holder or applicant for licensure or certification by examination, reinstatement, or change of status shall be deemed to have given consent to submit to a mental health, neuropsychological, psychosocial, psychosexual, substance use disorder, or physical evaluation when so directed in writing by the board. The direction to submit to an evaluation shall contain the basis of the office of the board's reasonable cause to believe that the person is unable to practice with reasonable skill or safety, or has abused alcohol or drugs. The person shall be deemed to have waived all objections to the admissibility of the examining physician's or psychologist's testimony or evaluation reports on the ground of privileged communication.
- (3) The licensee or certificate holder or applicant for licensure or certification by examination, reinstatement, or change of status shall bear the cost of any mental health, neuropsychological, psychosocial, psychosexual, substance use disorder, or physical evaluation ordered by the board.

**Effective:** June 27, 2019

**History:** Amended 2019 Ky. Acts ch. 100, sec. 10, effective June 27, 2019. -- Created 2002 Ky. Acts ch. 211, sec. 12, effective July 15, 2002.